



## **JEFFERSON COUNTY**

### **PLANNING COMMISSION**

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Port Townsend, WA 98368

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#### **JEFFERSON COUNTY PLANNING COMMISSION**

#### **MINUTES FOR JULY 25, 2007**

- A. OPENING BUSINESS**
- B. PRESCRIPTIVE FISH AND WILDLIFE BUFFERS**
- D. ADJOURNMENT**

## **A. OPENING BUSINESS**

The special meeting was called to order at the WSU Learning Center at 6:30 pm by Chair, Peter Downey.

Planning Commission members present were Peter Downey, Bill Miller, Patricia Farmer, Bud Schindler, Henry Werch, Mike Whittaker, JD Gallant, Ashley Bullitt and Edel Sokol.

DCD staff present were Joel Peterson, Karen Barrows, Al Scalf, Donna Frosthalm and Angela Wade (secretary).

There were about 20 members of the public present. Those who signed the guest list were Frank Hoffman, John Richmond, Kathy Dickson, Dennis Schultz, Sue Hopkins, Jim Fritz, Sandy Hershelman, Norman MacLeod, Renee Bush, Kenn Brooks, Bill Wheeler, Teren MacLeod, Clark Crandall, George Yount, Pat Pearson, Jim Hagen and Roger Short.

### **Staff Updates:**

Joel Peterson reported that WEC granted the request for a time extension on the CAO. The legal documents are being drawn up for the 3<sup>rd</sup> Settlement Agreement and will be sent to the Hearings Board. Al Scalf reported that legal representation for Jefferson County is Attorney Mark Johnson and for WEC, the Attorney is Roger Lead. The updated target date for a legislative decision is January 18<sup>th</sup>, 2008. Al Scalf said he anticipates a Planning Commission public hearing in late September.

Donna Frosthalm gave an update on Priority Habitats and Species (PHS). She said that PHS includes state listed species that are threatened, endangered, or sensitive, as well as candidate species for those listings. PHS includes things considered to be vulnerable aggregations, such as heron rookeries, shellfish beds, etc. and species of recreational, commercial and/or tribal importance, such as game species and species of cultural importance. She submitted information from WAC as it pertains to fish and wildlife habitat conservation areas. Ms. Frosthalm researched the definition of Primary Association from the Whatcom County CAO and said that in short, the definition is what the PHS species needs in order to survive. She gave the example of eagles, their primary association being their nest areas, and for a certain fish species, it may be a section of Chimacum Creek. The Species of Concern, which are the state listed and candidates for listing, take into consideration the species as well as the habitat they need. The game species are protected through protection of their priority habitat, as identified by DFW. If a permit would be flagged because the location falls within a priority habitat, the application would be sent to DFW. Ms. Frosthalm said it's uncommon that they receive a response from DFW, and without a response, they go ahead and issue the permit.

Al Scalf said that Commissioner Schindler had requested information on forest practices and regulatory takings under the McKenna concept. Regulatory Takings is a common

issue in Washington and in the US. He said that there are methods under forest practices RCW and WAC that allow for small landowners to work in conservation easements and get compensation for buffers where they're excluded from a cut. He said that an issue with forest practices is that it's not integrated well with management. The first thing to consider when handling a permit is "the intent". The use, whether it is to build a house or log an area, determines which rulings the permit falls under. He said there's an idea that forest practices are in a different arena than development regulations. Statutorily, the County is required to take over Class IV Conversions (forested to non forested). He said that regulation will be coming next year and that they may consider some lobby effort legislatively under growth management to supply some tools, similar to forest practices, to compensate people for the regulatory takings. Regarding regulatory takings, he said that there is a two test part that deals with impacts and ownership. Peter Downey said that there's a difference between commercial forest and a residence. Mr. Scalf said that there are a number of legal components, and under GMA, there is a right to regulate property. Mr. Scalf said that initially in the constitutional development as John Locke identified life, liberty and property, which was changed by Thomas Jefferson to life, liberty and the pursuit of happiness. He said that this is a long-standing concept and important. He said it's important to note that forest practice is in a separate category from growth management. The PC referred to a McKenna document handed out at a previous meeting by Norm MacLeod that lists actions that each county should adhere to.

### **Committee Reports:**

Mike Whittaker reported that he, Bud Schindler, Bill Miller and Joel Peterson went to the local APA planning forum last Friday. Joel Peterson said that a summary of the legislative hearings heard by the Hearings Board over the last quarter was presented, as well as a presentation on how the GMA WAC will be changed between now and 2009. Mr. Whittaker passed out three copies of the Small Communities Critical Areas Ordinance Implementation Guidebook. Mr. Peterson said that more copies of the Guidebook, as well as CD's would soon be available.

Bud Schindler reported that the PC meeting in Brinnon on October 3<sup>rd</sup> will start at 7:00 pm instead of 6:30 pm. He hopes that the EIS will be complete by the meeting.

Al Scalf gave an update on the Industrial Land Bank Comprehensive Plan Amendment. Mr. Scalf said that Eric Hovee was hired to inventory industrial lands in Jefferson County. The conclusion of his work will be an analysis that will be used to determine if the county may locate two new industrial sites. Mr. Scalf said that the subgroup met yesterday to review a draft memo, employment data and initial mapping. There are still several areas that need to be revised and completed before the final information is available. Mr. Scalf said that Eric Hovee's work will be complete by Christmas and the public process to identify sites for industrial land bank will begin in 2008.

## **Public Comments:**

Dennis Shultz said that he finds it irritating that copies of the handouts are not available for the public at PC meetings. He feels they are excluding the public and deterring public participation. He suggested that copies be made available for the public ahead of time.

Bill Wheeler submitted his comments in writing. In summary, he said that it is important for the PC and public to realize that the votes and positions they're taking on the CAO are not a reflection of study, fact and science, but are really a reflection of how they view their fellow human.

Jim Hagen said that on several occasions, it was hard to hear the negative comments in reference to Dr. Brooks. He asked the PC to keep in mind that there is no one on the Minority Committee as qualified to write habitat management plans or delineate wetlands as Dr. Brooks. Regarding the comment that Dr. Brooks' science is outdated, Mr. Hagen questioned where it came from and what newer science exists. Mr. Hagen said that the PC is basing its decisions on stream buffers on speculation rather than on substantive evidence of what's happening on the ground. He asked if speculation, such as the idea of millions of people moving to Jefferson County, is the new science they are relying on. Mr. Hagen suggested that the PC base their findings on real science rather than on speculation.

John Richmond said that he agrees with the comments heard this evening. He suggested that the PC not let others solve issues that arise in the process of evaluating reports. He said not to expect others' changes to be enacted easily. Mr. Richmond referred to the phrase "You can't unring the bell."

Norm MacLeod said that if he were a PC member, he would keep in mind that decisions he made would affect people and families like his own. He said he would put himself in other's shoes before making decisions and would keep in mind that they are no less trustworthy than he is, no less motivated to take care of everything around them than he is, and no less capable and intelligent than he is.

Jim Fritz commented that commercial buildings are limited to 7,500 sq. ft. outside of the city limits of Port Townsend, and 25,000 sq. ft. within city limits. He said it's strange that a residential house in the country has no size limit, but a commercial building does. He said there are a limited number of parcels to be built on in the county, and his concern isn't about the quantity of houses that may be built, but the possibility of 20,000 sq. ft. homes being built. He suggested that the footprint of homes be limited, for example to 3,000 sq. ft., in order to preserve the rural character of the county.

Mike Whittaker moved that the Planning Commission recommend to the BOCC to establish a committee to act as an intermediary between the public and the permit center to insure timeliness of the permitting process where areas of question or disagreement exist. Edel Sokol seconded the motion.

In discussion there was agreement that it's important to provide a way to dissolve disputes. There was some concern that the PC was not currently aware of what the issues really are and that a committee may or may not be the way to handle them. For example, an issue may be around code interpretation, timeliness, or other things. Al Scalf said that he thinks the committee is a great idea, and he would want more clarification on the group's role. Peter Downey suggested that Mike Whittaker and Al Scalf work together to come up with a firm proposal. Mr. Whittaker withdrew the motion.

Mike Whittaker moved that the Planning Commission recommend to the BOCC a request for representation to provide the PC with independent legal advice. Edel Sokol seconded the motion.

Mike Whittaker said that Jim Tracy had already suggested this twice and Eric Toews said that he is specifically not to give legal advice. Mr. Whittaker referred to the McKenna document, where it recommends that government decision makers seek effective regulatory approaches that consider both public interests and the interests of private property owners when using these guidelines to avoid unconstitutional regulation.

Henry Werch said that in his experience with another municipality, they required such an attorney and it was invaluable. Mr. Werch said that the municipality was no better funded than this county, but they saw the value in having legal advice. Bud Schindler said that this is a bare minimum request, and that he's had a standing request to better understand the bylaws and whether they're flawed regarding disclosure. Mr. Schindler said that if the bylaws are flawed, then they have made some decisions that are not justified because they didn't have legal advice. Al Scalf asked the PC if they would want to include the cost of an attorney in their budget and said that a full time attorney would cost at least \$80,000. The Planning Commission decided that they would want to hire an attorney as a contractor, and would not need one full time. Mr. Scalf said that they would need to talk with the prosecuting attorney to better understand the legal issues and relationships involved in hiring an additional attorney.

Peter Downey suggested a friendly amendment to add the language "on-call through the PC Chair with agreement of the PC." The friendly amendment was accepted.

The Motion, as amended, passed with eight in favor, and one abstained (8-0-1).

Mike Whittaker moved to seat the new members of the PC at the first meeting in January as opposed to the first meeting in April. Edel Sokol seconded motion

In discussion, the Planning Commission discussed the reasoning behind the motion. This would allow new members more time to familiarize themselves with the functions of the PC before the "heavy" part of the year. There was concern about how the new timing would coincide with the election of PC officers in May, as well as the BOCC elections at the beginning of the year. Ashley Bullitt questioned whether appointing new members in January would be desirable in order to get new members up to speed. JD Gallant pointed out that if they made this change, they may also need to revisit the Resolution Document

that calls for PC members to serve for four years, as some of the existing members would be a few months short of four years.

The motion failed with three in favor, five opposed, and one abstained (3-5-1).

Mike Whittaker said that since the stopping point of the 7/18 PC meeting was line 2082 of Report #2, Item E-6, Habitat Conservation Area-Buffer averaging, and the next order of business should be Buffer increases by the Technical Administrator.

Mike Whittaker moved to send the following to the code writer:

From Report #14, Line 385-397, Increased Buffer Widths,  
Line 418-447, Protection Standards, Habitat Management Plan  
And since Report #14 is backed up by Report #1  
From Report #1, Line 487-665, Monitoring Procedures  
Line 667-753, Special Reports  
Line 755-867, Wetland Delineation  
Line 873-1014, Wetland Mitigation, Habitat Management Plan  
Line 1025-1309, Critical Area ID and Standards  
Line 1312-1348, Watershed Monitoring  
Line 1350-1393, Residential Best Management Practices.

Peter Downey said that this part of the meeting had not yet been opened, and they will address this motion when addressing critical areas.

JD Gallant moved that the PC establish an ad-hoc committee to rewrite Section 14 of the bylaws - Conflict of Interests. Bill Miller seconded the motion.

Bud Schindler said that they first need to determine if the section is constitutional, and then discuss the intent. JD Gallant said that it is constitutional, but the wording is very rough and needs rewritten. Mr. Schindler said that they need guiding direction from an attorney. Patricia Farmer referred to the PC handbook on quasi judicial and legislative and rulings act. Ms. Farmer said this is already well researched and is very clear. JD Gallant agreed that often this language is put into the bylaws. Mr. Schindler expressed concern with the guidebook that it didn't contain sufficient legislative direction. Mr. Schindler said that new planning commissioners should be made aware of changes to instructions, process (among other things) by experienced members so that everyone is up to speed.

The Motion passed with seven in favor and two abstained (7-0-2).

Peter Downey appointed JD Gallant, Patricia Farmer and Bud Schindler as members of the committee, with JD Gallant as Chair.

### **C. PRESCRIPTIVE FISH AND WILDLIFE BUFFERS**

Edel Sokol moved to change the language of Report #2, line 2037 4. Non-fish bearing streams to “5-20 feet.” The motion was not seconded.

Peter Downey said that the amount of protection that these streams need varies with the condition of the stream. JD Gallant said that non-fish bearing streams are very important to the shoreline and the wording “depending on physical characteristics” are important to include so that the buffers are flexible. Mr. Gallant gave an example of a clear cut up to the stream bank which caused tremendous damage below the clear cut. Ashley Bullitt said she’s concerned about the streams that empty into Hood Canal because they are already polluted and it’s not desirable for them to carry additional pollutants. Peter Downey clarified that non-fish bearing streams don’t contain fish because of the stream typing, for example, they may be intermittent, not because they’re degraded streams. Bud Schindler referred to the “Boogeyman” concept and said that what he’s heard so far isn’t based on facts and figures and would like to hear more specifics to back up the proposed buffer sizes. Mr. Gallant said that he’s not a “boogeyman” and that he can give the names of people he’s spoken with to back up his comments. Mr. Gallant said the point he was making is that Kitsap County had to spend a lot of money and effort to clean up the streams with no buffers. Al Scalf said that many salmon species in the county are endangered and threatened. Mr. Scalf continued that Pacific Chinook, Summer Chum, Coho, and Steelhead are in trouble. Mr. Downey said that it’s important to maintain the quality of non-fish bearing streams as they flow into other types that do contain fish. Mr. Downey suggested allowing the administrator to decide which streams are sensitive and need more protection than others. Patricia Farmer said that she first thought that a 75 ft buffer on dry streams seemed excessive, but after reading reports she found that even streams that contain water only six months out of the year still need to be protected for a variety of reasons. Ms. Farmer said that a 75 ft buffer is needed.

Discussion continued as to how to set performance standards for a range of buffer sizes on non-fish bearing streams. Peter Downey asked Kenn Brooks and Jill Silver to comment on how they might define the physical criteria that would determine the buffer size. Jill Silver listed the following characteristics used in classifying streams: gradient, confinement, slope stability, and sometimes precipitation. She said you’re considering how the stream is structured, whether or not it will erode quickly, and if the slopes adjacent to it or upstream are unstable. She said it’s important to remember that non-fish bearing streams make up 80% of the stream network and are all upstream of fish habitat, contributing wood, water, sediment and pollutants to downstream fish bearing streams and the marine environment. Ms. Silver referred to a website link that she had sent to the planning commissioners that gives information on the importance of headwater streams.

Peter Downey asked Al Scalf what the permit office would need in order to respond to someone coming into the permit center. Mr. Scalf responded that for the prescriptive approach, they would need a single number and in the stewardship approach, there could be more flexibility.

Kenn Brooks said that non-fish bearing streams refer to very narrow streams that contain water after a significant rainfall event. He said that possibly 30% of these streams are dry after May. He said the problem is that these streams make up 80% of the watershed. He thinks that 75-100 foot buffers on these streams are excessive, and applying a single buffer size for non-fish bearing streams does not reflect the real situation of varying stream types. Dr. Brooks said that counties in general don't have the expertise to go out and make these judgments and suggested that they look to consultants and others to provide assessments. Al Scalf said that currently, the majority of people want a specific approach, and ask for a specific buffer size. Norm MacLeod said that the width of the stream and buffer doesn't tell a lot, and that they need to better understand the impact of their suggestions. Patricia Farmer referred to a WDFW document for priority habitats that recommends a 50-100 ft buffer for minimal maintenance for most functions.

Jill Silver responded to the issue of intermittency in streams. She said that intermittent streams under a 20% gradient are used by Coho for spawning. She said there is a lot of literature to confirm this and she has seen fish spawning in a shallow drainage ditch.

Henry Werch said that ordinances are typically written for worst-case scenarios, and if they're written well, they provide accommodation for alteration. He said that buffers on prescriptive side need to be wide enough to accommodate worst-case scenarios, but on the performance side, should be easy and economical for the property owner.

Bud Schindler moved to set the prescriptive buffer for non-fish bearing streams at 50 ft. Mike Whittaker seconded the motion.

JD Gallant and Patricia said that they would like the buffer size to be higher. Mike Whittaker said to bear in mind that considering both sides of the stream, the buffer is 100 ft.

The motion failed with four in favor and five opposed (4-5-0).

Bill Miller moved to set the prescriptive buffer for non-fish bearing streams at 75 ft. Patricia Farmer seconded the motion.

Henry Werch said that with buffer averaging, there is some flexibility under the prescriptive approach.

The motion passed with six in favor and three opposed (6-3-0).

The PC began deliberating the State Priority Species table in Report #2, line 2043. Donna Frosthalm said that the DFW characterizes species of concern as threatened, endangered, sensitive, or candidates for those listings. Additional vulnerable species are species of recreational, commercial and/or tribal importance. These include native and nonnative or fish and wildlife species of recreational or commercial importance and recognized species used for tribal ceremonial and subsistence purposes that are vulnerable to habitat loss or degradation.

Peter Downey said that he doesn't want to regulate non native species that are associated with game species. Ashley Bullitt said that she's also concerned about plant species, and asked if there were any plant species on the list. Donna Frosthalm said yes, there are some sensitive species of plants, but the list mainly deals with wildlife. Mr. Downey clarified that the conservation area doesn't include every location where there's an occurrence of the species, but does include their nesting sites, or primary association. Edel Sokol said that a lot of these species are protected by Federal and State regulations. Mr. Downey responded that they're referring to other species that need attention, such as the blue heron. Al Scalf explained that when the permitting staff pulls up a map of the site, if it falls under fish and wildlife habitat, they send the application out to DFW for comment. If DFW makes no comment, they issue the permit. Mr. Downey said that he'd like threatened, endangered, and sensitive and vulnerable species included in the Priority Species and Habitat list, but not the game species.

Henry Werch said that they were given a definition of primary association, followed by a definition of priority species. He asked if they could address the issue by including priority species that have a primary association. Donna Frosthalm said that priority species does include the recreational, commercial and/or tribal importance species.

JD Gallant moved to forward the following language under Buffers for Other Habitat Conservation Areas "Threatened, endangered, and vulnerable species under the State Priority Habitats list that have a primary association." Edel Sokol seconded the motion.

The motion passed with seven in favor and two opposed (7-2-0).

JD Gallant moved that the PC accept lines 2083-2290 of Report #2. Bill Miller seconded the motion.

JD Gallant said that these lines are complimentary to the previous section and go beyond the prescriptive approach. Ashley Bullitt said that this section would benefit the property owner and assist in the stewardship plans by providing more information.

Bill Miller suggested a friendly amendment to start at line 2045- rather than 2083 to include language on reducing buffer widths and averaging buffer widths. The friendly amendment was accepted.

Henry Werch said that this section allows the Technical Administrator to reduce buffers by as much as 75% percent in certain circumstances, and to waive buffers for single family homes when they involve half an acre or less. Mr. Werch said that these are important protections that should be included.

Mike Whittaker referred back to the Buffer Requirement heading of the table in Report #2, line 2043. He read "Buffers shall be based on recommendations provided by the WDFW PHS Program" and suggested that the recommendations be based on local applicability and qualified professionals. The PC decided that this issue does not apply to the current motion on the floor.

Mike Whittaker referred to line 2124 “The assessment shall also include field identification and/or delineation of habitat areas, analysis of historical aerial photos...” The PC agreed that this refers to existing photos, and does not require new aerial photos to be acquired.

Henry Werch said that he is concerned with lines 2107-2110 “the Technical Administrator shall require a site evaluation (field investigation) by a qualified professional or other measure to determine whether or not the species or habitat is present.” Mr. Werch said that it’s important to him that the cost of that assessment not be borne by the property owner. Mr. Werch said that if the county is responsible for the cost, it will allow them to assess exactly what is necessary, and will keep some balance to the process.

Peter Downey said that they’re starting to get into the stewardship approach and will forward language to the code writer with the understanding that he will fill in the gaps.

Edel Sokol referred to line 2084-2086- “Technical Administrator shall have the authority to increase the width of a habitat conservation area buffer on a case-by-case basis when there is clear evidence that such increase is necessary to achieve any of the following:” She asked who is going to provide the evidence. Al Scalf responded that there was only one instance in the twelve years he’s been at DCD where a buffer was increased and that happened at a public hearing due to a geologic hazard.

Henry Werch said that Report #1, pg 41, lines 1623-1635 has acceptable language on increased buffer widths. Peter Downey read the last sentence in that section “To increase a buffer width, the Administrator must be able to demonstrate that the buffer in the table will not be adequately protective and state the specific reason for the increase.”

Peter Downey proposed a friendly amendment to remove lines 2084-2102 of Report #2 and replace them with lines 1623-1635 of Report #1. The friendly amendment was accepted.

Kenn Brooks stated that language such as “Decreased buffer widths will be allowed only if the applicant demonstrates in a HMP that decreasing the buffer width will not adversely affect fish and wildlife habitat functions and values” is unacceptable because you can’t prove that there’ll be no risk.

Bud Schindler referred to line 2125 about historical aerial photos, and questioned how old the photos could be. Henry Werch suggested using the term “relevant” so that the photos are not too ancient.

Bud Schindler referred to line 2125 about interviews with adjacent property owners. JD Gallant said that a public notice is required so that neighbors are aware of the proposed changes. Peter Downey noted the language “The assessment shall include field identification and/or...” Mr. Downey said that anything after this is optional.

Edel Sokol expressed concern with line 2125 “interviews with the adjacent property owners as necessary to determine potential effects of the development action on critical areas.” Ashley Bullitt said that interviews with the neighbors could be valuable. Edel Sokol said that the language shouldn’t be in an ordinance for fish and wildlife; building is a different situation.

Edel Sokol proposed a friendly amendment to remove the language from line 2125 “interviews with the adjacent property owners as necessary to determine potential effects of the development action on critical areas.” The friendly amendment was approved by consensus.

The PC returned to the issue raised by Henry Werch regarding cost. There was concern that the County may not have sufficient funds to pay for all or part of the stewardship plans. There was also concern that the CAO is not the place to address this issue, that the BOCC could make this decision, but not the PC. It was suggested that a grant program be developed by the County, or the County be responsible for obtaining grant money to pay for the plans. Peter Downey said that the grant idea could be suggested, but that a funding source can not be written into the code. Henry Werch said that he acknowledges the difficulties that the County would face, but he would still like to include the language and see what the County comes back with. JD Gallant said that he would not accept this as a friendly amendment.

Mike Whittaker suggested taking out the wording that states it’s the responsibility of landowner to pay for it. This specific wording could not be found. Jim Fritz said that it’s not clearly stated, and the language currently leaves it open-ended.

Edel Sokol referred to line 2168 “4. Management recommendations developed by WDFW through its PHS program.” She said that this language is like painting with a broad brush and wants to remove it. Patricia Farmer asked if there is a technical reference guide. Donna Frosthalm responded that DFW has put out a number of publications that provide specific recommendations for species, habitat, etc. She said that there’s not a single publication, but there are several that can be used as guidance by consultants in approving habitat management plans

Bud Schindler suggested that line 2138 be revised to read “c. Proposed development activity and schedule.” It was decided that line 2160 already addresses a schedule.

Edel Sokol proposed a friendly amendment to add the words “conservation district” to lines 2186-2188, paragraph C. The friendly amendment was accepted.

Edel Sokol suggested removing lines 2193-2194 “1. Availability of County staff shall be at the discretion of the Technical Administrator and subject to workload and scheduling constraints.”

Peter Downey proposed a friendly amendment to keep lines 2193-2194, and to remove lines 2196-2197 “a) Fees for County staff services shall be in accordance with the unified fee schedule.” The friendly amendment was accepted.

Al Scalf said that the fee schedule is included in a separate document, Submittal Requirements for Complete Application, and is different from the JCC. He said that including it in the code is redundant and it doesn't need to be here.

The Motion, as amended, passed with six in favor and three opposed (6-3-0).

Henry Werch said that another way of dealing with fees in regards to changeover of property would be to delay the collection of fees until the sale of the property. He said another option would be to charge fees only during land turnovers, and not charge fees for a request to build on the property. Mr. Werch and Al Scalf agreed to work together to develop language for an appropriate motion. Mr. Scalf said to keep in mind that DCD does provide one full-time staff employee as Planner of the Day, a drop in service to assist people with inquiries on land use, critical areas, etc. Mr. Werch also agreed to consult with Bud Schindler, as he has knowledge of the difficulties involved with transferring real estate.

Edel Sokol referred to Al Scalf's statement that most people choose the prescriptive buffers, as well as others' comments on value judgments. She mentioned an article in the paper that referred to a manufactured home in Port Hadlock that rose in value from \$80,000 to \$180,000 in a few years. She said that every time more restrictions are imposed, less people are able to afford to live here.

Al Scalf said the cost of a building permit is typically 1% of the value of the building, or house. Patricia Farmer asked why it wasn't a fixed fee. Mr. Scalf responded that it's based on the value of the house.

Mike Whittaker said that he's concerned with the escalating cost of building permits. In his own experience the cost of a building permit for a 1,900 square foot house built in 2000 was \$1,350. A house very similar to his was built one and a half years later and the permit cost \$2,400.

### **Public Comments:**

Peter Downey requested that public comments be limited to three minutes apiece.

John Richmond said that he has trouble understanding what the real science is for determining buffer sizes. He said that dry streams don't flush downstream spawning areas. He said the best indicator of what happens in streams is to observe blue herons and other predators as they feed in isolated ponds. Mr. Richmond said that the Conservation District and a list of other departments can potentially hold up the permitting process. He asked if there is a means to query the status of one's permit.

Kathy Dickson referred to habitat increase, and asked what happens when you can't get past the nets which are across the mouth of the river.

Bill Wheeler commented on funding. He said he'd like the PC to remember that the CAO is taking land from the landowner for public use, and to suggest that the landowner pay for the steps to mitigate is not fair. Even at a minimum, they are going to ask for a field evaluation on the basis of county maps, and the individual should not have to pay for that if, at the end of the process, it's determined that it was a false requirement. Jim Hagen said that a month ago, Peter Downey said that they must find common ground between the two reports. Mr. Hagen said to the contrary, all of the deliberation is focused on the minority report. He suggested that they weigh the merits of each report, rather than completely ignoring information in the majority report. Mr. Hagen referred to a statement in the Latimore Report regarding constraints. "It is becoming increasingly difficult for the average permit applicant to come in on his own and go through the permit process." He said this is one of the concerns at DCD: the constraint of improperly filled out applications. He referred to Al Scalf's statement that more regulation is coming. Mr. Hagen said that there are too many hoops for the average landowner, and why would anyone choose anything other than a prescriptive approach. He said that the PC's decision on non-fish bearing streams did nothing to protect from development on critical areas. He said that most of the streams are upstream in low density areas where there is little development. He suggested that they consider the impacts of development in critical areas.

Norm MacLeod suggested that care be taken with the language used when talking about wildlife species. He said that last summer he photographed herons, and observed that they tolerated a lot more than they're given credit for. In terms of the fees, he said that it could be framed as a social justice issue. He said that newer people moving to the area may be able to afford the plans, but multi generational families in Port Townsend, such as loggers, can't afford the fees. He said that some sort of accommodation needs to be made for cost-sharing at the very least, otherwise the county's long term residents won't be able to afford it.

Roger Short said that he has lived on the same farm since he was three years old and had expected to be able to sell the property to his family in the future. He said that critical areas have stolen his retirement fund due to the diminished value of his property. He said that restrictions allow less farming on his land. Mr. Short said he's tired of hearing that it'll cost the county too much money because it's the taxpayer's money. He's hearing that they want property owners to take pride in their land and care for it but among the people he often hears "compliance or defiance."

Renee Bush said that since property ownership is voluntary, it is a choice, and because of the choice she made to own property, she must accept the restrictions and buffers on her property. She said that in her opinion, some members of the PC have been cavalier in regards to budgets by expecting that people who can afford property can afford the permits. She said that this is not necessarily true, and that it takes planning and loans to pay for property. She said that she puts the environment first, and once had the opinion that everyone who purchases property should be forced to protect the environment. Ms. Bush said she now realizes that was the wrong attitude; it is condescending and judgmental. She said that if people can't afford a habitat management plan, it takes

control away from them. She said that most people in the county are small property owners, and it's wrong to assume that they'll do the worst.

Al Scalf responded to the public comment about tracking one's permit. He said the fastest way to access this information is to pull up the assessor's parcel map, go to your parcel, and click on the status bar at the bottom which will give details on the status of the permit.

**D. ADJOURNMENT**

The agenda for next week includes Prescriptive Wetland Buffers.

The meeting was adjourned at 9:52 pm.

**E. APPROVAL OF MINUTES**

These minutes were approved this \_\_\_\_\_ day of August, 2007.

\_\_\_\_\_  
Peter Downey, Chair

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Angela Wade, Secretary